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June 19, 2008

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Via Facsimile (212) 805-7933

Andrew J. Peck
United States Magistrate Judge
United States District Court
Southern District of New York
United States Courthouse
500 Pearl Street - Courtroom 20D
New York, NY 10007

Re: Kinsella v. The Surf Club Inc.
Docket No.: 07 Civ. 10435 (JEP)(AJP)

Dear Judge Peck:

We are the attorneys for plaintiffs Rita Kinsella and Martin Kinsella.

Plaintiffs' depositions were scheduled for June 25, 2008. Unfortunately, we were informed today plaintiff Martin Kinsella was hospitalized and will undergo surgery on June 23, 2008. The parties consented to adjourn the depositions until July 25, 2008 and respectfully request that the July 1, 2008 status conference be adjourned to August 4, 2008 at 10:30 AM.

Respectfully submitted,


William P. Kelly

WPK/nc

cc: Meredith Friedler, Esq.
Via Facsimile (212) 490-3038

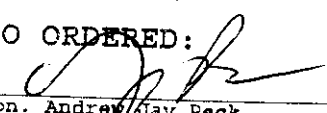
BY FAX

MEMO ENDORSED
6/19/08

1. APPROVED

2. Court should have
that the 7/15 depositions were not
disposed of yet but to be
extended.

SO ORDERED:


Hon. Andrew Jay Peck
United States Magistrate Judge

TOTAL P.01

FAX TRANSMITTAL SHEET



**ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT**

Southern District of New York
United States Courthouse
500 Pearl Street, Room 1370
New York, N.Y. 10007-1312

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Dated: June 20, 2008

Total Number of Pages: 2

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TRANSCRIPTION:

MEMO ENDORSED 6/19/08

- 1. APPROVED.**
- 2. Counsel should be aware that the 9/5 discovery cutoff date remains and is not likely to be extended.**